

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

GLENN H. STEPHENS, III,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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1:15cv726 (LMB/IDD)

ORDER

Before the Court is plaintiff's First Motion to Strike, [Dkt. No. 12], in which he alleges that the government violated the Privacy Act by posting personally identifiable information on PACER. Redaction of personally identifiable information is governed by Fed. R. Civ. P. 5.2 and E.D. Va. Local Civil Rule 7(C).¹ Fed. R. Civ. P. 5.2(a) states that in a "filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial account number," only certain information may be included. Fed. R. Civ. P. 5.2(h) states that "[a] person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal." E.D. Va. Local Civil Rule 7(C) adopts the protections of Fed. R. Civ. P. 5.2.

In the Motion to Strike, plaintiff argues that the government should not have released his name, part of his employment history, personal e-mail address, home address, and home phone number. None of those pieces of information are protected by Fed. R. Civ. P. 5.2 or E.D. Va. Local

¹ Plaintiff cites various Office of Management and Budget ("OMB") memoranda which he appears to believe govern this action. The OMB is a part of the executive branch of government and its directives do not apply to the judicial branch, which is a separate co-equal branch of government. In re Conciliation Comm'r for Sanders Cnty., Mont., 5 F. Supp. 131, 132 (D. Mont. 1933).

Civil Rule 7(C). Even if that information were protected, plaintiff waived his right to protection by placing his name, personal e-mail address, home address, and home phone number on the first page of the Motion to Strike, and then filing the motion on the public docket. Fed. R. Civ. P. 5.2(h). Moreover, plaintiff elected not to proceed anonymously when offered that opportunity during EEO counseling.


Accordingly, it is hereby

ORDERED that plaintiff's First Motion to Strike, [Dkt. No. 12], be and is DENIED.

The Clerk is directed to forward copies of this Order to counsel of record and plaintiff pro se at his address of record.

Entered this ^{da}10 day of July, 2015.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge